

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

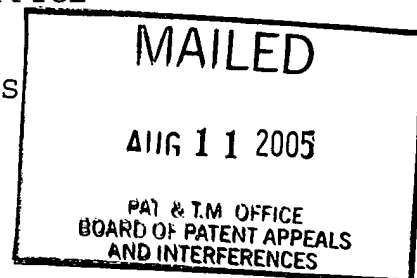
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte KOUJI HIRAYAMA and  
MICHIO NAKA

Application No.09/933,000

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On May 28, 2004, an Examiner's Answer mailed. Page 3 of the Examiner's Answer cites "JP-A-188065". However, the reference only has an English abstract. We need a full translation of the reference. Also, on page 7, it appears that no appeal conference has been conducted. According, to the Manual of Patent Examining Procedure (MPEP) § 1208 (8<sup>th</sup> ed., August 2001),

when an appeal conference has been held, the appeal conference participants, including the examiner charged with the preparation of the Examiner's Answer, must identify themselves as the conferees, along with placing their initials next to their name. This procedure has not been completely followed, thus raising the question of whether or not an appeal conference was held.

Furthermore, in accordance with MPEP 707.08:

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If this examiner does not have the authority to sign the action, he or she should initial above the typed name or initials, and forward the action to the authorized signatory examiner for signing.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for:

- 1) a full English translation of JP-A-188065 reference;
- 2) providing such translation to the applicants and for scanning into the file; and
- 3) taking corrective action regarding the appeal conference, written notification of the action taken, and for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Application No. 09/933,000

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